

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2016 JUN 23 P 2:00
SUBSTITUTED
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES OF AMERICA,

V.

~~SEALED~~
~~PROSECUTOR~~

THOMAS DANIEL LITTLE CLOUD,

CR 16 266

SI

DEFENDANT(S).

INDICTMENT

Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) - Possession with Intent to Distribute
Methamphetamine;
Title 18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm;
Title 18 U.S.C. § 1029(a)(1) - Using a Counterfeit Access Device;
Title 18 U.S.C. § 1028A(a)(1) - Aggravated Identity Theft;
Title 18 U.S.C. §§ 924(d)(1), 982(a)(2)(B) and 1029(c)(1)(C), 21 U.S.C. § 853(a)
and 28 U.S.C. § 2461(c) - Criminal Forfeiture

A true bill.

Karen Williams

Foreman

Filed in open court this 23 day of

June, 2016

H. Stitt

Clerk

Bail, \$

no bail warranted

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 21 U.S.C. §§ 841(a)(1) & (b)(1)(A)(viii);
 18 U.S.C. § 922(g)(1);
 18 U.S.C. § 1029(a)(1); and
 18 U.S.C. § 1028A(a)(1).

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: SEE ATTACHMENT A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

THOMAS DANIEL LITTLE CLOUD

DISTRICT COURT NUMBER

CR 16 266**FILED**

JUN 23 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations (DHS)

☒ person is awaiting trial in another Federal or State Court, give name of court

Sonoma County Superior Court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Brian R. Faerstein

IS NOT IN CUSTODY
 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☒ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Sonoma County Superior Court

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST
 Month/Day/Year
 December 15, 2015

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Date/Time:

Before Judge:

Comments:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

ATTACHMENT A

Penalties for Violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(A)(viii):

Mandatory minimum 10 years and maximum life imprisonment; maximum \$10,000,000 criminal fine; at least 5 years supervised release; \$100 mandatory special assessment; forfeiture. (Class A felony)

Penalties for Violation of 18 U.S.C. § 922(g)(1):

Maximum 10 years imprisonment; maximum \$250,000 fine; 3 years supervised release; \$100 special assessment; forfeiture. (Class C felony)

Penalties for Violation of 18 U.S.C. § 1029(a)(1):

Maximum 10 years imprisonment; maximum \$250,000 fine; 3 years supervised release; \$100 special assessment; forfeiture; restitution. (Class C felony)

Penalties for Violation of 18 U.S.C. § 1028A(a)(1):

2 year mandatory consecutive term of imprisonment; maximum \$250,000 fine; 1 year supervised release; \$100 special assessment; forfeiture; restitution.

BRIAN J. STRETCH (CABN 163973)
United States Attorney

FILED
2016 JUN 23 P 2:00
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SI

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS DANIEL LITTLE CLOUD,

Defendant.

CR 16 266
CASE NO.

) VIOLATIONS: 21 U.S.C. §§ 841(a)(1) &
) (b)(1)(A)(viii) – Possession with Intent to Distribute
) Methamphetamine; 18 U.S.C. § 922(g)(1) – Felon In
) Possession of a Firearm; 18 U.S.C. § 1029(a)(1) –
) Using a Counterfeit Access Device; 18 U.S.C.
) § 1028A(a)(1) – Aggravated Identity Theft; 18 U.S.C.
) §§ 924(d)(1), 982(a)(2)(B) and 1029(c)(1)(C), 21
) U.S.C. § 853(a), and 28 U.S.C. § 2461(c) – Criminal
) Forfeiture

) SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Methamphetamine)

1. On or about December 15, 2015, in the Northern District of California, the defendant,

THOMAS DANIEL LITTLE CLOUD,

did knowingly and intentionally possess with intent to distribute 50 grams and more of a Schedule II
controlled substance, to wit: methamphetamine, its salts, isomers, and salts of its isomers, in violation of

INDICTMENT

18

1 Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

2 COUNT TWO: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

3 2. On or about December 15, 2015, in the Northern District of California, the defendant,

4 THOMAS DANIEL LITTLE CLOUD,

5 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,

6 knowingly possessed the following firearms, to wit: one Iver Johnson's Arms & Cycle Works, .38

7 Special revolver, bearing serial number C92504, and one Glock Model G22, .40 caliber pistol, bearing

8 serial number NEX158, in and affecting interstate and foreign commerce, in violation of Title 18, United

9 States Code, Section 922(g)(1).

10 COUNT THREE: (18 U.S.C. § 1029(a)(1) – Using a Counterfeit Access Device)

11 3. Between on or about October 12, 2015 and continuing through on or about November 9,
12 2015, in the Northern District of California and elsewhere, the defendant,

13 THOMAS DANIEL LITTLE CLOUD,

14 did knowingly and with intent to defraud use one and more counterfeit access devices, to wit: an

15 American Express credit card embossed with the first and last names of L.D., a resident of Del Rio,

16 Texas, but bearing the account number for J.T., a resident of Cleveland, Tennessee, said use affecting

17 interstate and foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(1).

18 COUNT FOUR: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

19 4. Between on or about October 12, 2015 and continuing through on or about November 9,
20 2015, in the Northern District of California and elsewhere, the defendant,

21 THOMAS DANIEL LITTLE CLOUD,

22 during and in relation to a felony violation of 18 U.S.C. § 1029(a)(1), as alleged in Count Three, did

23 knowingly possess and use, and cause to be used, without lawful authority, a means of identification of

24 another person, specifically the first and last names of the real individual L.D., and the American

25 Express credit card account number belonging to the real J.T., knowing that the means of identification

26 belonged to another person, in violation of Title 18, United States Code, Section 1028A(a)(1).

27 //

28
INDICTMENT

1 FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 924(d)(1), 982(a)(2)(B) and 1029(c)(1)(C), 21 U.S.C.
2 § 853(a), and 28 U.S.C. § 2461(c) – Criminal Forfeiture)

3 5. The factual allegations contained in Counts One through Four of this Indictment are
4 hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
5 pursuant to the provisions of 18 U.S.C. §§ 924(d)(1), 982(a)(2)(B) and 1029(c)(1)(C), 21 U.S.C.
6 § 853(a), and 28 U.S.C. § 2461(c).

7 6. Upon conviction of the offense alleged in Count One of this Indictment, the defendant,
8 THOMAS DANIEL LITTLE CLOUD,
9 shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853(a), all
10 right, title, and interest in property constituting and derived from any proceeds the defendant obtained,
11 directly or indirectly, as a result of said violations, and any property used, or intended to be used, in any
12 manner or part, to commit, or to facilitate the commission of, the said violations, including but not
13 limited to the following property:

- 14 a. one Iver Johnson's Arms & Cycle Works, .38 Special revolver, bearing serial
15 number C92504;
- 16 b. one Glock Model G22, .40 caliber pistol, bearing serial number NEX158;
- 17 c. 55 rounds of 9mm ammunition;
- 18 d. 35 rounds of .40 caliber ammunition;
- 19 e. 40 rounds of .38 Special ammunition;
- 20 f. \$165.86 in U.S. currency;
- 21 g. Two digital scales;
- 22 h. one Black Smith & Wesson Expandable Baton; and
- 23 i. one Verizon 4G LTE Galaxy Note 3 phone in a clear rubber case.

24 7. Upon conviction of the offense alleged in Count Two of this Indictment, the defendant,
25 THOMAS DANIEL LITTLE CLOUD,
26 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1)
27 and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in or used in
28

1 any knowing violation of said offense, including but not limited to the following property:

- 2 a. one Iver Johnson's Arms & Cycle Works, .38 Special revolver, bearing serial
- 3 number C92504;
- 4 b. one Glock Model G22, .40 caliber pistol, bearing serial number NEX158;
- 5 c. 55 rounds of 9mm ammunition;
- 6 d. 35 rounds of .40 caliber ammunition; and
- 7 e. 40 rounds of .38 Special ammunition.

8 8. Upon conviction of the offense alleged in Count Three of this Indictment, the defendant,

9 THOMAS DANIEL LITTLE CLOUD,

10 shall forfeit to the United States of America, pursuant to Title 18, United States Code,

11 Sections 982(a)(2)(B) and 1029(c)(1)(C), any property constituting or derived from proceeds the

12 defendant obtained, directly or indirectly, as the result of such violation and any personal property used

13 or intended to be used to commit, or facilitate the commission, of the offense, including but not limited

14 to the following:

- 15 a. identification documents, mail and other documents bearing or in the name of
- 16 other individuals;
- 17 b. counterfeit and unauthorized access devices, including credit cards and Driver's
- 18 Licenses in the name of other individuals;
- 19 c. one credit/debit card embosser;
- 20 d. one magnetic credit/debit card reader MSR X6;
- 21 e. other items used in manufacturing and negotiating counterfeit and unauthorized
- 22 access devices; and
- 23 f. \$ 165.86 in U.S. currency.

24 9. If any of the property described above, as a result of any act or omission of the defendant:

- 25 a. cannot be located upon the exercise of due diligence;
- 26 b. has been transferred or sold to or deposited with, a third person;
- 27 c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendant has in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. §§ 924(d)(1), 982(a)(2)(B), and 1029(c)(1)(C), 21 U.S.C. § 853(a), and 28 U.S.C. § 2461, and Federal Rule of Criminal Procedure 32.2.

DATED:

A TRUE BILL.

June 23, 2016

Karen Williams
FOREPERSON

BRIAN J. STRETCH
United States Attorney

David R. Callaway
DAVID R. CALLAWAY
Chief, Criminal Division

(Approved as to form: Brian R. Faerstein)

AUSA BRIAN R. FAERSTEIN

INDICTMENT

**United States District Court
Northern District of California**

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. THOMAS DANIEL LITTLE CLOUD

Case Number:

CR 16

266

SI

Total Number of Defendants:

1 ☒

2-7 ☐

8 or more ☐

Is This Case Under Seal?

Yes ☒

No ☐

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes ☐

No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒

OAK ☐

SJ ☐

EUR ☐

MON ☐

Is any defendant charged with a death-penalty-eligible crime?

Yes ☐

No ☒

Assigned AUSA (Lead Attorney):

Brian R. Faerstein

Is this a RICO Act gang case?

Yes ☐

No ☒

Date Submitted:

6/23/2016

Comments:

Save

Print

Clear Form